

not a minor amendment but an amendment of the whole Act. Apart from this, he says that "for a further period of one year from the date of commencement of this Act." Then, what would happen if the tenancy expired before we obtained the President's assent? I think the Hon'ble Member is trying to cut his own throat by bringing in this amendment. This amendment is out of order and if this is in order, I oppose it.

ಶ್ರೀ ಎಫ್. ಬಿ. ಪೂಜಾರ್.—ಹೇಗೆ out of order ಆಯಿತೆಂಬುದನ್ನು ಸ್ವಲ್ಪ ವಿಶದಪಡಿಸಬೇಕು.

Sri M. P. PATIL.—Because the object of the Bill is the same. I do not know whether he means that under this Bill only period of some tenancy is being extended. If he means that every tenancy is being extended by one more year I request him to read the original provision in the Mysore Act,

"No tenancy of land shall be for a period of less than five years. All tenancies in force on the date of commencement of this Act shall be deemed to be tenancies for a further period of five years from the date of commencement of this Act."

So whatever the nature of the tenancy, the period of lease of it is extended by five years and that period we are extending by one year more.

Mr. SPEAKER.—The question is :

"That after Clause 1 the following new clause shall be added.—

"A. For the purposes hereinbefore stated in the preamble, the State Government may by rules made in this behalf provide for the continuance of all tenancies notwithstanding anything contained in any of the provisions of the Mysore Tenancy Act, 1952, for a further period of one year from the date of the commencement of this Act."

The motion was negatived.

Mr. SPEAKER.—The question is :

"That Clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

Mr. SPEAKER.—The question is :

"That the Title and the Preamble stand part of the Bill."

The motion was adopted.

The Title and the Preamble were added to the Bill.

Motion to pass.

Sri M. P. PATIL.—Sir, I beg to move.

"That the Mysore Tenancy (Amendment and Continuance of Tenancies) Bill, 1957 be passed.

Mr. SPEAKER.—The question is.

"That the Mysore Tenancy (Amendment and Continuance of Tenancies) Bill, 1957 be passed.

The motion was adopted.

THE COORG TENANTS BILL, 1957

Motion to consider.

Sri M. P. PATIL (Minister for Revenue).—Sir, I beg to move.

"That the Coorg Tenants Bill, 1957 be taken into consideration.

Mr. SPEAKER.—Motion moved.

"That the Coorg Tenants Bill, 1957 be taken into consideration.

Sri M. P. PATIL.—Sir, I have not to say much in this connection as the objects and reasons which are common to these Bills have been discussed thread-bare up to this time. The only point which I would like to bring to notice of this House is this. As we are thinking of having some uniform legislation to the extent possible for the whole of the State, we have to give some rights to the tenants of the Coorg area as there was no Tenancy Law there at all. Sir, as you know, our object in postponing the provision of the Bombay

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Act and extending the period of the Mysore Act is to give protection to the tenants and there being no Tenancy Act for the Coorg area, there also, in anticipation of future legislation, landlords are likely to evict tenants. Therefore, with a view to give protection to the tenants, we are enacting this law.

Sir, when we are to give security of tenancy, naturally we have to fix the rent also. The security of the tenant is not protected unless we fix the rent because a controversy will arise about the rent and taking advantage of that controversy, the landlords may evict tenants. Therefore, we have tentatively fixed one-third of the gross produce as the maximum rent for the lands which are cultivated by the tenants.

These are the minimum provisions which are made in this Bill.

Sir, I would however like to point out to the Hon'ble House that no sort of idea should be entertained that the future legislation which is likely to be introduced in the future legislature would be of this type. I have to make this point quite clear, as some Hon'ble Members privately asked me this question. I would like to point out that while introducing this Tenancy Bill, we have never thought of the type of future legislation which the Government may undertake. Our idea was only to give the minimum protection to the tenants and only the minimum provisions which are necessary for the purpose of this Bill have been included in this Bill.

I hope that the Hon'ble House will have no objection to this measure.

Sri P. C. UTTAYA (Virajpet Nad).—Sir, I want to ask for a clarification. The first para on page 4 of the Bill says;

“ 3. *Persons to be deemed tenants.*—A person lawfully cultivating any land belonging to another person shall be deemed to be a tenant if such land is not cultivated personally by the owner...”

Sir, if such lands are cultivated by the owner, are they going to exclude the tenant.

Mr. SPEAKER.—We are in the first reading stage. The Hon'ble Member may make general remarks. At the next stage, when we read the Bill clause by clause, the Hon'ble Member may make remarks and get explanation from the Minister. If the Hon'ble Member intends to make general remarks, he may do so now. His asking for explanation does not arise at the first stage.

*Sri P. C. UTTAYA.—Mr. Speaker, Sir, I wish to offer a few remarks on this Bill: I think that the introduction of this Bill at this stage was absolutely unnecessary. For, looking at the Statement of Objects and Reasons, there is no particular reason given for the introduction of this Bill in Coorg. The Statement of Objects and reasons says:

“ There is no uniformity in the provisions of the Tenancy laws in force in the areas which have come to the new State of Mysore from the State of Madras and the former States of Mysore, Bombay and Hyderabad. Coorg had no tenancy law at all. The question of introducing uniform tenancy law to the extent possible, applicable all over the State is under examination. In the meanwhile, it has been considered necessary to preserve the *status quo* in areas other than Coorg, safeguarding at the same time that the position of tenants is not adversely affected by termination of tenancies.”

Mr. SPEAKER.—I do not know what the Hon'ble Member is trying to drive at. I do not see any reason for him to read the whole thing. He can give the gist of it.

Sri P. C. UTTAYA.—Sir, reading through the whole thing, one does not find any reason why this Bill that is applicable to Coorg is being introduced at all. There is no reason why this piece of legislation is being introduced at all in Coorg.

Sir, in Coorg, there is no tenancy as it is understood in other Provinces. As a matter of fact, there are not even 0.5 per cent of people who own more than 60 acres of land and there is no ques-

tion of heredity of tenancy passing down from father to son. Almost all the land-owning class are peasant proprietors and that is why there has been no tenancy law in Coorg. Now there is some sort of tenancy, that is, from year to year. If an account of some trouble on the part of the owner to cultivate his own land, he gives it for a term of one year the tenancy is terminated after one year. That is all. Other than that, there is no tenancy continuing from year to year. There is, therefore, not enancy continuing from year to year and so what is sought to be provided by this Bill is not helpful to the tenants at all.

4-30 P. M.

All the tenancies there terminate by the end of February. This Ordinance was promulgated to take effect from the 11th March. Those whom the Government is trying to protect are the tenants, but, actually, instead of protecting them this piece of legislation would adversely affect their interests, for, so long as there was no tenancy law in Coorg, every tenant had free access to whoever was willing to let his land on lease. Now, if this piece of legislation comes into force, there is a fear that if a tenant is brought in, then the owner may not be able to resume his land after the tenancy terminates. As a result of this fear, nobody will give poor tenants any land for cultivation. Therefore, I say that this piece of legislation is unnecessary. Even in the Statement of Objects and Reasons of this Bill it is stated that "the question of introducing uniform tenancy law to the extent possible, applicable all over the State is under examination." Now what would happen is that there would be lot of litigations. Some of the tenants whose tenancies are terminated will not have lands to cultivate and so they will squat near the lands which they were cultivating previously. The owner of the land will insist on the agreement being fulfilled to the letter. This will lead to endless litigation between the two parties. This is the only kind of help that this piece of legislation will confer on these poor tenants. So I consider this Bill as unnecessary at this stage. I am not

averse to having a set of uniform laws passed for the whole of the State, but what I cannot understand is what was the necessity of bringing in this piece of legislation at this time.

Sri B. S. KUSHALAPPA (Mercara Town).—Sir, it has been made very clear now that for the purpose of introducing a uniform tenancy legislation in the whole of the State a committee is going to be appointed. It is also well known that in Coorg there is no tenancy law at all. As explained by my Hon'ble Friend Sri Uttaya, the necessity for a tenancy legislation never arose in Coorg. The actual situation in Coorg is that there are very few persons who own extensive lands more than 30 acres. Such persons who own extensive lands, cultivate their lands by engaging labour and so in their case the tenancy problem does not arise. The problem arises in the case of smaller people. For instance, a lady may cultivate her lands herself by employing agricultural labour. She may give bullocks, ploughs and manures and get the lands cultivated by some persons and share the crop. Now this Bill will come in the way of her doing that. There are also some Government servants who own a few acres of land, but they have to work in towns. They also make this kind of arrangement for cultivating their lands. Then there are also minors, invalids, etc., in Coorg owning lands. As explained by the Hon'ble Member Sri Uttaya there is no hereditary class of tenants in Coorg. We have to get tenants mostly from Malabar or South Kanara. Those people are generally agricultural labourers. They are treated as tenants only for the particular season. Bullocks, ploughs, manure, etc., are given by the landlords and the lands are then cultivated by these tenants. They share the crop with the landlords. Beyond this there is no tenancy as such. After the passing of this piece of legislation they will have to be treated as tenants.

Now, let us see what would be the plight of the people in Coorg. So far as I can see, it is not the tenants who require protection, but it is the poor landlords who require protection. They

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are entirely at the mercy of the so-called tenants. What these tenants generally do is that they take all the materials for cultivation from the landlords and then they disappear and their whereabouts are not known to anybody. The landlords are then put to loss. Therefore, I think that it is really the landlords who require protection from the tenants and not the tenants who require protection. I do not want to say that in Coorg we do not want a uniform tenancy legislation applicable for the whole State. We do want it, but the present Bill as it is, does not achieve that purpose. I am not going to suggest any drastic amendments to the Bill, but I feel that there are certain inherent defects in the Bill as it stands. I do not know whether the House will accept any amendments at this stage. In the tenancy legislations of the other areas of Mysore State like Hyderabad and Bombay there is a provision for the landlord to resume his land for personal cultivation, but such right of resuming the land for personal cultivation, has been denied to the Coorg landlords under this Bill.

Then another point that I want to bring to the notice of this House is that in Coorg the crop is entirely seasonal. There is no irrigation there. You cannot cultivate land as you like. If you do not plough the land and sow the seed during a particular period, the crop will be very poor. So, by the time the land holder applies to the Subedar, it would be too late to find a tenant because it is very difficult to find tenants. I am a land holder and I am also a tenant; I will explain later how it is. The Subedar will find it very difficult to find a tenant for the surrendered lands. So, Sir, there are two things to be considered. When this power is given over to the Subedar from the 11th of March, it would be a serious problem to find tenants to cultivate lands, so much so, I am afraid, a good bit of paddy lands would fall vacant and because the Government is bound to give 1/3 of the crop to the owner Government would suffer. The other point for consideration is the provision for the landlord to resume

the land for personal cultivation. I was just telling how I am a land-lord as well as a tenant. Lands belonging to others are situated in the midst of my land and surrounded by my coffee estate, so much so, they have no access. I am cultivating them on tenancy basis. What people also do is, not only they cultivate their own lands but, if they have small holdings, they cultivate the lands of others also to supplement their income. I hope the Committee to be constituted will consider all these aspects. Inserting a provision for the resumption of the land by the land-lord for personal cultivation may be considered. All these difficulties that are pointed out may be taken note of by the Committee.

*ಶ್ರೀ ಬಿ. ಹುಚ್ಚೇಗೌಡ (ತುರುವೇಕೆರೆ).—ಸ್ವಾಮಿ, ಕೊಡಗಿನಲ್ಲಿ ಇದುವರೆವಿಗೂ ಯಾವ ಗೇಣಿ ಕಾನೂನು ಜಾರಿಯಲ್ಲಿಲ್ಲ. ಅಲ್ಲಿನ ಸ್ಥಿತಿಯೇ ವಿಚಿತ್ರವಾಗಿದೆ ಎಂದು ಕೇಳಿದ್ದೇನೆ. ಅಲ್ಲಿ ಜಮೀನು ಯಾವಾಗಲೂ ಒಬ್ಬರಿಂದ ಒಬ್ಬರಿಗೆ ಮಾರುವುದಕ್ಕೆ ಹಕ್ಕು ಇಲ್ಲ. ಮನೆತನದವರಿಗೇ ಮಾರಬೇಕೆಂದು ಇದೆ ಎಂದು ಕೇಳಿದ್ದೇನೆ. ಮಂತ್ರಿಗಳು ಈ ವಿಷಯವನ್ನು study ಮಾಡಿದ್ದಾರೆಯೋ ಇಲ್ಲವೋ ಗೊತ್ತಿಲ್ಲ. ಅದನ್ನು ತಿಳಿಸಬೇಕೆಂದು ಕೇಳುತ್ತೇನೆ.

ಈ ಕಾನೂನು ಮಾಡಿರುವುದರಿಂದ ನಿಜವಾದ ಜಮೀನ್ದಾರ ಯಾರು, ಗೇಣಿದಾರ ಯಾರು ಎಂಬುದೇ ಅರ್ಥವಾಗುವುದಿಲ್ಲ. ಏಕೆಂದರೆ ಜಮೀನ್ದಾರ ಅನೇಕ ವೇಳೆ absentee landlord ಆಗಿರುತ್ತಾನೆ. ಆದರೂ ಕೂಡ ಗೇಣಿದಾರ ಎಲ್ಲವನ್ನೂ ಅಂದರೆ ಎತ್ತು ಮತ್ತು ಇತರ ಸಹಾಯ ಜಮೀನ್ದಾರನಿಂದಲೇ ತೆಗೆದು ಕೊಂಡು ಸಾಗುವಳಿ ಮಾಡುತ್ತಿರುತ್ತಾನೆ. ಇದರಿಂದ ನಿಜವಾದ ಸಾಗುವಳಿದಾರ ಯಾರು, ಜಮೀನ್ದಾರ ಯಾರು ಎನ್ನುವುದು ತಿಳಿಯುವುದಿಲ್ಲ. ಇದನ್ನೆಲ್ಲ ಕೂಲಂಕಷವಾಗಿ ವಿಮರ್ಶಿಸಿ ಅನಂತರ ಇಂಥ ಒಂದು ಶಾಸನವನ್ನು ತಂದಿದ್ದರೆ ಒಳ್ಳೆಯದಾಗುತ್ತಿತ್ತು. ಶಾಸನವಿಲ್ಲದೆ ಇರುವಕಡೆ ಇಂಥ ಒಂದು ಶಾಸನವನ್ನು ಮಾಡುವುದರಲ್ಲಿ ಅವಮಾರಿಗೂ ಕೂಡ ನಿಷ್ಕರ್ಷೆ ಮಾಡುವುದು ಕಷ್ಟವಾಗುತ್ತದೆ. ಅಲ್ಲಿನ ಸ್ಥಿತಿಗತಿಗಳನ್ನು ನಮಗೆ ತಿಳಿಯುವಹಾಗೆ ಹೇಳಿದರೆ ಚೆನ್ನಾಗಿರುತ್ತದೆ. ನನಗೆ ತಿಳಿದಿರುವಮಟ್ಟಿಗೆ ಅಲ್ಲಿಯ ಸ್ಥಿತಿಗತಿ ಇತರ ನಾಲ್ಕು ಭಾಗಗಳ ಸ್ಥಿತಿಗಳಿಗೂ ಬಹಳ ವ್ಯತ್ಯಾಸವಿದೆ. ಅಲ್ಲಿ ಮಾಮೂಲಾಗಿ ಒಬ್ಬರೇ ಜಮೀನ್ದಾರರು ಬರುತ್ತಿದ್ದಾರೆ. ಜಮೀನು ಸಾಗುವಳಿ ಮಾಡುವವರು ಕೂಡ ಸಹಾಯ ಪಡೆದು ಮಾಡುತ್ತಿದ್ದಾರೆ. ಸ್ವಂತ ಸಾಗುವಳಿಯಿಂದ ಅಥವಾ ಗೇಣಿವಗೈರಿ ಮಾಡುತ್ತಿಲ್ಲವೆಂದು ತಿಳಿದಿದ್ದೇನೆ. ಅಲ್ಲಿ ಪ್ಯಾಂಚೇಷ್ವೇಟ್ಸ್ ಹೆಚ್ಚಾಗಿವೆ. ಇದನ್ನೆಲ್ಲ ಹೇಗೆ ಸರಿಹಾರ ಮಾಡುವುದಕ್ಕೆ ಏರ್ಪಾಡು ಮಾಡುತ್ತಾರೆಂದು ಹೇಳಿದರೆ ಚೆನ್ನಾಗಿರುತ್ತದೆ.

SRI M. P. PATIL.—Sir, I heard carefully the speeches of the Hon'ble Members who opposed this Bill. But, I am not convinced of their arguments.

Sir, in the first place, the Bill is temporary. It is a temporary measure and it will continue from 11th March 1957 to 31st day of December 1957. I explained in my preliminary remarks that during this period no tenant is to be evicted by the landlord. Sir, they pointed out some difficulties. I cannot understand how those difficulties arise now. Sir, as they say, the tenancy is over or will be over by the end of March. In that case, there are two possibilities; either the tenant has given up the land or the tenant wants to continue. In case the tenant wants to continue for one year more, I do not know what objection they have got for it. Their land would be got cultivated by the tenant and they will get their produce. Supposing, a tenant gives up his tenancy. It was said that South Kanara people will come there and cultivate and then go away. In that case, the land lord can cultivate personally; if he is not able to cultivate personally, he can give it to a tenant. Even in the ordinary circumstance, I do not think that there can be any tenancy which is less than one year.

Sri P. C. UTTAYA.—What if the owner himself wants to cultivate the land? The tenancy terminates in March and the owner wants to cultivate the land himself. Is he to be deprived of his land?

Sri M. P. PATIL.—Yes, Sir, it is true. I cannot forecast the new legislation. But, with a view to protect the tenants, we have decided for this year, that no land-lord could evict the tenant for personal cultivation. Supposing the tenant wants to continue and the owner wants to cultivate the land personally, he cannot cultivate his land personally. He has to wait. If he is continued as tenant for one year, I do not know why he should not be continued for one year more. Sir, the other question is the necessity of introducing this tenancy. One Member said, there is no necessity. All lands are not cultivated personally by the landlords. It is true in majority of the cases, the lands are cultivated by the land lords and therefore, in those cases the Tenancy law does not apply. The law applies where the land is

cultivated by the tenant; tenant is defined and personal cultivation is also clearly defined. Under the circumstances, I do not think that any difficulty would arise in such cases. The only point which the landlord will have to give up is the personal cultivation when the tenant wants to continue. If the tenant does not want to continue and has given up cultivation, the landlord can take it for his personal cultivation. I do not think there is any difficulty even for the land owners even if this Tenancy law is applied.

Mr. SPEAKER.—The question is:

“That the Coorg Tenants Bill, 1957 be taken into consideration.”

The motion was adopted.

Mr. SPEAKER.—Clauses. Motion moved:

“That Clause 2 stands part of the Bill.”

There is an amendment; it may be moved.

Sri K. MALLAPPA (Sanivarsanthe).—This is the amendment which I propose to move:

‘In explanation I for the word “tenant” the word “persons” shall be substituted.’

Mr. SPEAKER.—Amendment moved:

‘That in explanation I for the word “tenant” the word “persons” shall be substituted.’

Sri K. MALLAPPA.—Sir, clause 2 refers to definitions. This clause, *inter alia* defines who a tenant is. In so doing, explanation 1 refers to the definition of a tenant who is suffering from some disability. The word “tenant” appearing in this particular clause (*viz.*, this explanation) has very much restricted the scope and meaning of the clause. From the context of the definition here, it is necessary that the clause should be as comprehensive as possible. Therefore I have tabled this amendment to delete the word “tenant” and substitute the word “person”, so that the explanation may apply to all classes of persons who are personally cultivating the land.

Sri M. P. PATIL.—Here the protection is given to a tenant who has some disability. It is true that even the landlord under this disability requires protection and therefore it is desirable to substitute the word “tenant” by “persons”. Under the circumstances, I accept the amendment, Sir.

Mr. SPEAKER.—The question is :

‘That in clause 2, in explanation 1, for the word “tenant” the word “person” shall be substituted.’

The motion was adopted.

Mr. SPEAKER.—The question is :

‘That Clause 2 as amended do stand part of the Bill.’

The motion was adopted.

Clause 2 as amended was added to the Bill.

Mr. SPEAKER.—Motion moved :

‘That Clause 3 stand part of the Bill.’

There is an amendment, it may be moved.

Sri K. MALLAPPA.—I do not propose to move that amendment, Sir.

Mr. SPEAKER.—The question is :

‘That Clause 3 stand part of the Bill.’

The motion was adopted.

Clause 3 was added to the Bill.

Mr. SPEAKER.—The question is :

‘That Clauses 4, 5, 6 and 7 stand part of the Bill.’

The motion was adopted.

Clauses 4, 5, 6 and 7, were added to this Bill

Mr. SPEAKER.—Motion moved :

‘That Clause 8 stand part of the Bill.’

There is an amendment to Clause 8. This may be moved.

Sri K. MALLAPPA.—Sir, I do not propose to move this amendment also.

Mr. SPEAKER.—The question is :

‘That Clauses 8, 9, 10, 11, 12, 13 and 14 stand part of the Bill.’

The motion was adopted.

Clauses 8 to 14 both inclusive were added to the Bill.

Mr. SPEAKER.—The question is :

‘That Clause 1, the Title and the Preamble stand part of the Bill.’

The motion was adopted.

Clause 1, the Title and the Preamble were added to the Bill.

Motion to Pass

Sri M. P. PATIL.—Sir, I beg to move:

‘That the Coorg Tenancy Bill, 1957 as amended be passed.’

Mr. SPEAKER.—The question is :

‘That the Coorg Tenancy Bill, 1957, as amended, be passed.’

The motion was adopted.

HYDERABAD AND MADRAS AREAS TENANCY (SUSPENSION OF PROVISIONS AND AMENDMENT) BILL, 1957.

Motion to consider.

Sri M. P. PATIL (Minister for Revenue).—Sir, I beg to move that the Hyderabad and Madras Areas Tenancy (Suspension of Provisions and Amendment) Bill, 1957 be taken into consideration.

Mr. SPEAKER.—Motion moved :

‘That the Hyderabad and Madras Areas Tenancy (Suspension of Provisions and Amendment) Bill, 1957, be taken into consideration.’

Sri M. P. PATIL.—Sir, the objects and reasons for introducing this Bill are the same as for the Bills which have been passed already. I have already explained the objects of the Bill. There are some provisions in the Hyderabad